IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5173 OF 2004

Abdul Gafoor Murtuz Arab ... Petitioner

V/s.

The Head Master, Maher Urdu Vidyalaya, Solapur & Ors. ... Respondents

a/w

WRIT PETITION NO.5313 OF 2004

Nasreen Bilal Saheb ... Petitioner

V/s.

The Head Master, Maher Urdu Vidyalaya, Solapur & Ors. ... Respondents

AND

WRIT PETITION NO.5167 OF 2004

Maherunnisa Dastagir Shaikh ... Petitioner

V/s.

The Head Master, Maher Urdu Vidyalaya, Solapur & Ors. ... Respondents

Mr.S.G. Kudle for Petitioners
Mr.G.S. Godbole for Respondent Nos.1 and 2
Mr.Nitin Jamdar for Respondent No.3
Mr.C.R. Sonawane for Respondent No.4

Coram: **H.L. GOKHALE &**
SMT.NISHITA MHATRE, JJ.

Dated: **SEPTEMBER 21, 2004**

P.C.:

. Heard Mr.Kudle in support of these three Petitions. Mr.Godbole appears for Respondent Nos.1 and 2, Mr.Jamdar for the Education Officer (Primary) and Mr.Sonawane, Assistant Government Pleader, in all these three matters. The entire grievance in these three

petitions is about three teachers of Meher Urdu Vidyalaya, Solapur for not being allowed to join on duty. The Zilla Parishad has filed an affidavit stating that these persons were working in the school and Mr.Godbole is fair enough to state that they were working till 13.4.2004 though he has various grievances with respect to the functioning of the three petitioners as also their authority to function in the school including their initial appointment. Be that as it may, inasmuch as they were in service till 13.4.2004 with proper approval from the Zilla Parishad, Mr.Godbole made a further statement that without prejudice to the contentions of Respondent Nos.1 and 2, they will permit the Petitioners to join the school which they may resume on 28.9.2004.

2. The Petitions have been filed principally for not being allowed to work in the school though their services were not terminated. With this order, the grievance of the Petitioners is satisfied and the Petition gets worked out. Respondent Nos.1 and 2 will forward the paybills alongwith that of the Headmaster and it is for the Zilla Parishad to take appropriate action of releasing salaries of the Petitioners.

3. Though the Petitions will stand disposed of with this order, we make it clear that this order does not prevent Respondent Nos.1 and 2 to take any action if they want to take against the Petitioners which of

course they must take in accordance with law. Needless to say that since the Petitioners were in service all throughout, their salaries will be released by the respondents.

4. We record that the President of Respondent No.2 Institution Mr.Inamdar is present in Court and Mr.Godbole has made the statement on his instructions. All the Petitions stand disposed of.

(H.L. GOKHALE, J.)

(NISHITA MHATRE, J.)